

REMARKS

Independent claim 1 has been amended to more clearly define the nature of the invention covered by that claim. More specifically, the expression "said undercut groove (6) accommodating at least one clamping slide (15)" has been replaced by the expression "at least a portion of at least one clamping slide (15) being received within said undercut groove (6)".

This amendment to independent claim 1 is supported in the original Specification at page 4, line 26 through page 5, line 17. More specifically, the original Specification expressly states that clamping slides 15 are inserted into the groove 6 and frictionally held therein. The revision to independent claim 1 addresses the issues raised by the Examiner at page 3, first full paragraph of the Official Action dated December 15, 2008, and clarifies the intended meaning of the term "accommodating" recited in the prior version of independent claim 1. Essentially, the amendment to independent claim 1 presented herein more clearly defines the intended meaning of the term "accommodating" by conforming the recitation in the claim to the disclosure in the original Specification.

In the Official Action dated December 15, 2008 placing this patent application under Final Rejection, dependent claim 2 was indicated as being directed to allowable subject matter. However, independent claim 1 was rejected as being anticipated by Schmanski et al (U.S. Patent No. 5, 189, 822).

It is clear from Figs. 1-3 of the Schmanski et al patent that the front wall 38 of the end cap 10 is not received in the trough 22. On the contrary, end cap 10 including side wall 16 and front wall 38 are arranged to be clearly outside the trough 22. Therefore, assuming arguendo that the end cap 10 of Schmanski et al corresponds to Applicant's clamping slide 15, and assuming arguendo that the trough 22 of Schmanski et al corresponds to Applicant's undercut groove 6, Schmanski et al clearly does not teach (or suggest) the specific structural arrangement between the clamping slide and the undercut groove as disclosed and claimed by Applicant. Moreover, Schmanski et al does not recognize the functional advantages resulting from this structural arrangement.

Independent claim 1 was rejected as being anticipated by Schmanski et al. It is well established that a rejection of a claim as being anticipated by a prior art reference requires the Patent and Trademark Office to establish a strict identity of invention between a single applied prior art reference and the rejected claim. A rejection of a claim as being anticipated by a prior art reference is improper unless a single applied prior art reference discloses all features of the rejected claim, as arranged in the claim. (See, for example, Connell v. Sears, Roebuck & Co., 220 USPQ 193 (Fed. Cir. 1983).

Applicant respectfully submits that Schmanski et al clearly does not anticipate independent claim 1 since there is no strict identity of invention between the disclosure of Schmanski et al and the sign defined by independent claim 1 when all positively recited features of that claim are considered in the patentability determination.

Moreover, the sign defined by independent claim 1 is not obvious in view of the disclosure of Schmanski et al as a result of the specific structure and structural arrangement expressly recited in independent claim 1. As noted above, no portion of the end cap disclosed by Schmanski et al is received within the trough 22. Therefore, Schmanski et al teaches against the specific structure and structural arrangement disclosed by Applicant, and now expressly recited in independent claim 1.

For the reasons discussed herein, Applicant respectfully submits that independent claim 1 is in condition for allowance. The allowance of independent claim 1 will overcome the objection to dependent claim 2, which has been indicated as being directed to allowable subject matter, as depending from a rejected parent claim. Moreover, dependent claims 3-20, which depend directly or directly from claim 1, will be allowable at least for the same reasons as parent independent claim 1.

On February 25, 2009 the undersigned conducted a telephone interview with Examiner Islam. During the course of the interview, the undersigned proposed to revise independent claim 1 in the manner presented herein. The Examiner stated that proposed amendment would appear to distinguish independent claim 1 over the Schmanski et al patent, which was also discussed during the telephone interview. However, the Examiner indicated that since this patent application is under Final Rejection, the amendment to independent claim 1 would not

be entered because it would require further search. The undersigned indicated that a Request for Continued Examination presenting the proposed amendment to independent claim 1 will be filed.

Respectfully submitted,



Mark P. Stone
Registration No. 27, 954
Attorney for Applicant
50 Broadway
Hawthorne, NY 10532
914-769-1106